

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.T.H. and M.D.H., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELLISSA LOU HERBERT,

Respondent-Appellant,

and

ALEX THOMAS FRAZIER, SR.,

Respondent.

In the Matter of A.T.H. and M.D.H., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALEX THOMAS FRAZIER, SR.,

Respondent-Appellant,

and

MELLISSA LOU HERBERT,

Respondent.

UNPUBLISHED

August 20, 2002

No. 237447

Wayne Circuit Court

Family Division

LC No. 92-298695-NA

No. 237960

Wayne Circuit Court

Family Division

LC No. 92-298695-NA

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

In these consolidated cases, respondent-appellant Herbert appeals as of right and respondent-appellant Frazier appeals by delayed leave granted from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (g), (i), (j), (l), and (m).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3) (g) and (j) were each established by clear and convincing evidence with respect to both respondent mother and respondent father and that §§ 19b(3)(a)(ii), (i), and (m) were established by clear and convincing evidence with respect to respondent mother. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).² Furthermore, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen

¹ The Report and Recommendation of the Referee, which was approved by the trial court judge, cites the following statutory bases for terminating respondents' parental rights: MCL 712A.19b(3)(a)(ii), (c)(i), (g), (h), (i), (j), and (k)(i). To the extent that the subsections cited in the Referee's Report conflict with the trial court's statements on the record regarding the applicable subsections for termination, we have relied on the trial court's statements on the record.

² The trial court clearly erred in terminating respondent mother's parental rights under MCL 712A.19b(3)(l) because, while respondent mother may very well have voluntarily relinquished her parental rights to one or more of her other children, there was no evidence in the lower court record that respondent mother voluntarily terminated her parental rights to another child. However, because there was clear and convincing evidence to support termination under several other statutory grounds, and proof of only one statutory ground is necessary to terminate parental rights, *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991), the trial court did not clearly err in terminating respondent mother's parental rights even though there was not clear and convincing evidence to support termination under § 19b(3)(l).